IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25035 of 2005

Between:

Smt. V. Sarada

..... PETITIONER

AND

The District Collector,

Prakasam District at Ongole and 6 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in entertaining the revision against the order of the 2nd respondent, dated 30.09.2005 and granting an interim stay of operation of the same by his proceedings in Rc.No.CS2/3834/2005, dated 17.11.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer of Kanaparthy village, N.G.Padu Mandal of Prakasam District and his fair price shop dealership was suspended pending enquiry by order dated 13.06.2005. Against the said order, the petitioner filed an appeal before the 2nd respondent and the 2nd respondent allowed the appeal by order dated 30.09.2005, setting aside the order of suspension pending enquiry dated 13.06.2005. While passing the order, the appellate authority observed that it is open for the 3rd respondent to pass final orders either for cancellation or suspension under clause 4 of Andhra Pradesh State Public Distribution System (Control) Order, 2001 or for violation of any of the conditions of the authorization. Aggrieved by the same, respondents 5 to 7 filed revision before the 1st respondent and the 1st respondent granted stay of the order of the 2nd respondent/Joint Collector by impugned order dated 17.11.2005. Aggrieved by the action of the revisional authority in granting stay of operation of the appellate authority order, this writ petition is filed.

This Court allowed similar writ petitions, setting aside the stay order of the revisional authority, directing the revisional authority to hear the main revision itself and dispose of it, in accordance with law.

I am of the opinion that the revisional authority ought not to have passed the prohibitory order, granting stay, without hearing the petitioner. It is stated that in spite of filing caveat petition before 1st respondent, no notice was issued to the petitioner and the petitioner was not at all heard before granting stay order.

Having regard to the facts and circumstances of the case, I deem it appropriate to allow the writ petition, setting aside the impugned order dated 17.11.2005 passed by the 1st respondent. The 1st respondent may consider and dispose of the revision

itself, after hearing the petitioner as well as respondents 5 to 7, as expeditiously as possible.

With the above observations, the Writ Petition is allowed. No order as to costs.

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V.ESWARAIAH,J

Dated: 24.11.2005

Dsr

Note:

Issue CC in 3 days

B/o

Dsr